

### **REMARKS**

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed July 1, 2009. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-17 were previously canceled without prejudice to further prosecution on the merits. Claims 18, 27-29, 35 and 37 have been amended. No new matter has been added. Accordingly, Claims 18-37 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

### **Drawings**

On page 2 of the Detailed Action, the Examiner indicated that two sets of drawings (Figures 1-28 and Figures 1-48) with non-identical content have been forwarded to the Examiner without clear indication as to which should be considered by the Examiner. Applicants note that the present Application is an application filed under 35 U.S.C. § 371 and that Applicants did not, and were not required to, submit a copy of the application upon entering the national phase because the International Application was filed in the United States Receiving Office. Thus, it is unclear to Applicants why the United States Receiving Office forwarded the drawings from U.S. Provisional Patent Application No. 60/534,314 (i.e., Figures 1-48) to the Examiner. Applicants note that the Examiner's presumption was correct in that the drawings including Figures 1-28 are the drawings of the present Application. Applicants further note that the published application for the present Application (i.e., U.S. Publication No. 20090127738) was published with the correct drawings.

On pages 2 and 3 of the Detailed Action, the Examiner objected to the drawings for containing various informalities. Specifically, the Examiner alleged the following:

- Figure 1 contains two reference characters 122 that appear to point to different parts.

- No Figure appears to contain reference character 121 as recited in at least [0046], reference characters 152 and 154 as recited in at least [0047], or reference character 156 as recited in at least [0064] of the presumed instant specification.
- Figures 3 and 9 contain reference character 26 that the Examiner presumes should be 36 as per [0048] of the presumed instant specification.
- Figure 10 does not contain reference character 30 disclosed in at least [0078] of the presumed instant specification.
- Figure 20 contains reference character 62 that does not appear to be present in the presumed instant specification.

In response, Applicants have amended Figures 2-5, 9 and 20 to correct the informalities noted by the Examiner. For example, reference character 121 has been added to Figures 4 and 5, reference characters 152 and 154 have been added to Figure 3, reference character 156 has been added to Figure 2, and reference character 26 in Figures 3 and 9, and reference character 62 in Figure 20, have been changed to reference character 36. With regard to the use of reference character 122, Applicants note that reference character 122 is properly used to identify various surfaces that may be covered by a skin material. With regard to the fact that Figure 10 does not contain reference character 30, Applicants note that paragraph [0078] of the present Application has been amended to replace reference character 30 with reference character 18 (which is shown in the drawing).

Accordingly, Applicants respectfully request withdrawal of the objections to the drawings.

### **Specification**

On page 4 of the Detailed Action, the Examiner objected to the disclosure because two specifications, each corresponding to one set of the aforementioned set of Figures, were allegedly submitted without clear indication as to which should be considered by the Examiner. As noted above, the present Application is an application filed under 35 U.S.C. § 371 and Applicants did not, and were not required to, submit a copy of the application upon entering the national phase because the International Application was filed in the United States Receiving Office. Thus, it is

unclear to Applicants why the United States Receiving Office forwarded the specification from U.S. Provisional Patent Application No. 60/534,314 (i.e., corresponding to Figures 1-48) to the Examiner. Applicants also note that the Examiner's presumption was correct in that the specification labeled with the WIPO and PCT numbers is the specification of the present Application. Applicants further note that the published application for the present Application (i.e., U.S. Publication No. 20090127738) was published with the correct specification.

On page 4 of the Detailed Action, the Examiner objected to the specification for containing various informalities. Specifically, the Examiner alleged the following:

- [0044] and [0045] disclose reference character 118 that is not present in the figures.
- [0062] refers to “retractor 267” instead of --retractor 26--
- [0071] refers to “angled recess 36” instead of --angled recess 36a--

In response, Applicants have amended paragraphs [0062] and [0071] in accordance with the recommendation of the Examiner. With regard to paragraphs [0044] and [0045], Applicants have added reference character 118 to Figures 1 and 2.

Accordingly, Applicants respectfully request withdrawal of the objections to the specification.

### **Claim Objections**

On page 4 of the Detailed Action, the Examiner to Claims 27, 29 and 37 for containing various informalities. Specifically, the Examiner noted that each claim omits the word “of” between “The method” and “Claim” in each claim's respective line 1. In response, Applicants have amended Claims 27, 29 and 37 in accordance with the recommendation of the Examiner to include the word “of.”

Accordingly, Applicants respectfully request withdrawal of the objections to Claims 27, 29 and 37.

**Claim Rejections – 35 U.S.C. § 112**

On pages 4-5 of the Detailed Action, the Examiner rejected Claim 37 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that Claim 37 is incomplete for omitting essential elements, the omitted elements being “the mechanism by which the injection of the third resin against the second shut-off member obscures the interface between the first resin and the second resin.”

Applicants thank the Examiner for noting this typographical error in Claims 37. As the Examiner correctly presumed, the last line of Claim 37 should read “third resin” rather than “second resin.” Support for this subject matter can be found, for example, in Figures 27 and 28, which show a “second retractor 26b,” a “third cavity 23b,” a “first portion 18” and a “skin 122.”

Accordingly, Applicants respectfully request withdrawal of the rejection to Claim 37 under 35 U.S.C. § 112, ¶ 2.

**Claim Rejections – 35 U.S.C. § 103**

On pages 7-10 of the Detailed Action, the Examiner rejected Claims 18-20, 22 and 24-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002017360 to Hiraiwa et al. (“Hiraiwa et al.”) in view of Japanese Application No. 2001-191361 to Mizuno (“Mizuno”). On pages 10-12 of the Detailed Action, the Examiner rejected Claims 21 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Hiraiwa et al. and Mizuno, and in further view of Japanese Application No. 2002-187166 to Ae et al. (“Ae et al.”). On pages 13 and 14 of the Detailed Action, the Examiner rejected Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Hiraiwa et al. and Mizuno, and in further view of U.S. Patent No. 6,248,200 to Dailey et al. (“Dailey et al.”). These rejections should be withdrawn because Hiraiwa et al., alone or in any proper combination with Mizuno, Ae et al. and/or Dailey et al., fails to disclose, teach or suggest the claimed inventions as amended.

For example, independent Claim 18 (as amended) recites a “method of making a vehicle component” comprising, among other elements, “positioning a formed skin in the first cavity proximate the first mold section so that a first edge of the formed skin extends past the first projection . . . moving the first shut-off from the first position to the second position to provide a second cavity defined by a second portion of the first mold section, a second portion of the second mold section, the first edge of the formed skin that is extended past the first projection, the first resin, and the first shut-off member when in the second position.”

Also, independent Claim 28 (as amended) recites a “method of making a vehicle component” comprising, among other elements, “positioning the formed skin in the first cavity proximate the first mold section between the first projection and the second projection so that the first edge of the formed skin extends past the first projection . . . moving the first shut-off member from the first position to the second position to provide a second cavity defined by a second portion of the first mold section, a second portion of the second mold section, the first edge of the formed skin that is extended past the first projection, the first resin, and the first shut-off member when in the second position.”

Further, independent Claim 35 (as amended) recites a “method of making a vehicle component” comprising, among other elements, “positioning the formed skin in the first cavity proximate the first mold section between the first projection and the second projection so that the first edge of the formed skin extends past the first projection and so that the second edge of the formed skin extends past the second projection . . . moving the first shut-off member from the first position to the second position to provide a second cavity defined by a second portion of the first mold section, a second portion of the second mold section, the first edge of the formed skin that is extended past the first projection, the first resin, and the first shut-off member when in the second position.”

Hiraiwa et al., alone or in any proper combination with Mizuno, Ae et al. and/or Dailey et al., fails to disclose, teach or suggest such methods. The Examiner cited to Hiraiwa et al. for allegedly disclosing the subject matter of positioning the formed skin in the first cavity so that a first edge of the formed skin extends past a first projection. The Examiner made specific

reference to how the “surface skin materials 53, 54” is shown as being positioned relative to the “internal projections 22, 23” as shown in Figures 3-5 of Hiraiwa et al. While the “surface skin material 54” appears to extend past the “internal projection 23” in Figure 3, Applicants note that once the “resin 51a” is injected into the cavity, the “surface skin material 54” no longer extends past the “internal projection 23.” The same appears to be true for the relationship between the “skin surface material 53” and the “internal projection 22.” As such, even if the combination of Hiraiwa et al. and Mizuno (cited for allegedly teaching injecting a second resin into a second cavity – after a first resin has been injected into a first cavity) is proper, which Applicants respectfully reserve the right to argue otherwise in future proceedings if necessary, Applicants submit that the second cavity in such a combination would not be defined, at least in part, by a portion of the “surface skin materials 53, 54” that extends past the “internal projections 22, 23.” For clarity, Applicants have amended the independent claims of the present Application to recite that it is a portion of the first edge of the formed skin that is “extended past the first projection” that defines at least part of the second cavity.

Applicants submit that neither Ae et al. nor Dailey et al. correct the deficiency in the combination of Hiraiwa et al. and Mizuno detailed above, and note that the Examiner only cited to Ae et al. for allegedly teaching the subject matter of injecting a third resin and to Dailey et al. for allegedly teaching the subject matter of a formed skin comprising a flexible sheet and a compressible material.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 18, 28 and 35 because at least one element of such claim is not disclosed, taught or suggested by Hiraiwa et al., alone or in any proper combination with Mizuno, Ae et al. and/or Dailey et al. Applicants submit that Claims 19-27, as they depend from Claim 18, Claims 29-34, as they depend from Claim 28, and Claims 36 and 37, as they depend from Claim 35, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 18-37 is respectfully requested.

**Double Patenting**

Claims 18-37 have been provisionally rejected under the judicially created doctrine of double patenting over Claims 38-62 of copending U.S. Patent Application No. 10/569,225 in combination with Hiraiwa et al., Mizuno and/or Dailey et al.

Applicants respectfully disagree. The Examiner has acknowledged that the '225 application does not claim a formed skin. As stated above, neither Hiraiwa et al., Mizuno nor Dailey et al., alone or in any proper combination, disclose, teach or suggest the subject matter of a formed skin that is extended past the first projection to at least partially define a second cavity. Accordingly, Applicants respectfully request withdrawal of the provisional double patenting rejection.

In the alternative, Applicants note that the present Application and copending U.S. Patent Application No. 10/569,225 are commonly owned. While Applicants do not acquiesce with the provisional double patenting rejection, Applicants request that the provisional double patenting rejection of Claims 18-37 over Claims 38-62 of copending U.S. Patent Application No. 10/569,225 be held in abeyance at this time (since a timely filed terminal disclaimer would overcome the rejection such that further consideration of the claims on that rejection should not be necessary). 37 C.F.R. § 1.111(b).

\* \* \*

Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent

application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/1/2009

By /Adam M. Gustafson/

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (414) 297-5652  
Facsimile: (414) 297-4900

Adam M. Gustafson  
Attorney for Applicant  
Registration No. 54,601